

REMARKS/ARGUMENTS

Favorable reconsideration of this application, as presently amended and in light of the following discussion, is respectfully requested.

Claims 1, 3-8, 25, 26, 31 and 32-37 are presently active in this case, Claims 1, 25, 31 and 32 are amended by the present amendment.

Support for amendments and additions to the claims can be found in the disclosure as originally filed. Thus, no new matter is added.

In the outstanding Office Action, Claims 1, 7, 8, 25, 3133 and 36 were rejected under 35 U.S.C. §103(a) as unpatentable over de Groot (U.S. Patent No. 6,421,047) in view of Boyd (U.S. Provisional App. 60/185,902); and Claims 3-6, 26, 34, 35 and 37 were rejected under 35 U.S.C. §103(a) as unpatentable over de Groot and Boyd in view of Leahy et al. (U.S. Patent No. 6,219,045, herein Leahy).

Initially Applicants and Applicants' representatives wish to thank Examiner Champagne and Examiner Zeender for the interview with Applicants and Applicants' representatives on August 30, 2007. During the interview the present invention and differences between the invention and the references in the outstanding Office Action were discussed in detail. Comments discussed during the interview are reiterated below.

In response to the rejection of Claims 1, 3-8, 25, 26 and 31 under 35 U.S.C. §103(a), Applicant respectfully requests reconsideration of these rejections and traverses the rejections as discussed next.

Amended Claim 1 recites, in part,

virtual space information storing means for storing, in advance, virtual space information specifying a plurality of types of virtual spaces to be offered for purchase, the virtual spaces configured to enable interaction between avatars;

virtual space offering means for allowing a first user of a plurality of users to select one of said virtual spaces as a user-specific virtual space leased or owned by said first user of the

plurality of users, each user corresponding to at least one avatar; and

charge controlling means for charging said first user of the plurality of users a fee to own or lease said user-specific virtual space, wherein said fee is based on the specified type of said user-specific virtual space and only said first user of the plurality of users is charged to own or lease said user-specific virtual space and the remaining plurality of users may access the virtual space without charge.

Claims 25, 31 and 32 recite similar features, however in different claim formats.

In the outstanding Office Action, Claim 1 was rejected under 35 U.S.C. §103(a) as being unpatentable over de Groot in view of Boyd. The outstanding Office Action, acknowledges on page 3 that

De Groot is silent regarding a virtual space information specifying a plurality of types of virtual spaces to be offered for selection; a 'charge controlling means for charging said first user of the plurality of users a fee to own or lease said user-specific virtual space, wherein said fee is based on the specified type of said user-specific virtual space and only said first user of the plurality of users is charged to own or lease said user-specific virtual space and the remaining plurality of users may access the virtual space without charge.

However, the outstanding Office Action relies on Boyd as curing this deficiency in de Groot.

Boyd describes a system for fostering relationships between persons by enabling an inviting user to create an invitation for social events. Further, Boyd describes that the inviting user can post an invitation on a webpage or bulletin board. Finally, Boyd describes that a fee may be charged for each invitation posted and/or each invitation accepted.

As was discussed in the interview, Applicants respectfully submit that Boyd does not describe or suggest that the fee is based on *the specified type of said user-specific virtual space* and only said first user of the plurality of users is charged to own or lease said user-specific virtual space and the remaining plurality of users may access the virtual space without charge.

Specifically, Boyd does not make a determination on fees based on where the invitation is posted, i.e. one fee determination if the invitation is posted to a “bulletin board” and a different fee determination if the invitation is posted to a “webpage.” In Boyd, the charge is determined based merely on whether an invitation is posted, not the type of posting location.

In other words, as was discussed in the interview, Boyd does not base the fee charged on the specified type of said user-specific virtual space, where the user-specific virtual space is one of a plurality of types of virtual spaces.

In addition, the outstanding Action states on page 3, line 11 that the “webpage, bulletin board” described in Boyd is equivalent to the plurality of types of virtual spaces to be offered for purchase. Further, the outstanding Action states on page 3, line 14 that the user-specific virtual space is equivalent to an “invitation posted.” In addition, the outstanding Action again equates on page 3, lines 18-22 the “posted/accepted invitation” of Boyd with the virtual space recited in Claim 1.

However, the webpage/bulletin board described in Boyd is not equivalent to the virtual space recited in Claim 1, at least, because the virtual space recited in Claim 1 is configured to enable interaction between avatars. In other words, the virtual space recited in Claim 1 is very different from the forum for invitations described in Boyd.

Accordingly, Boyd does not cure the above noted deficiencies of de Groot with respect to the charge controlling means and the virtual space information recited in Claim 1.

Further, Leahy does not cure the above noted deficiencies of de Groot and Boyd with respect to the above noted features of Claims 1, 25, 31 and 32.

Further, with respect to the Kusmaul (WO 96/07151) reference discussed in the interview and noted in the Advisory Action mailed September 9, 2007, Applicants respectfully submit that Claim 1, as amended, patentably distinguishes over this reference.

Specifically, Kusmaul describes virtual villages in which virtual real estate may be rented. In addition Kusmaul describes that the charge for the virtual real estate may be based on the kind and size of the virtual real estate, where kind corresponds to the type of resources utilized.¹

However, the virtual real estate described in Kusmaul is not equivalent to the virtual space recited in Claim 1. For instance, the virtual real estate described in Kusmaul is not configured to enable interaction between avatars. Specifically, as is illustrated in Figures 2-6 and corresponding disclosure of Kusmaul, the virtual village system described therein is a way of organizing store fronts for online stores.

In other words, the system described in Kusmaul enables a user to click through several detailed levels of a “village” map, enabling a user to find stores or webpage portals that are organized into the same section. However, there is no description or suggestion in Kusmaul that the virtual space is configured to enable interaction between avatars. In addition, Kusmaul does not describe or suggest that each user using the system corresponds to at least one avatar.

Accordingly, Applicants respectfully submit that Kusmaul does not cure the above noted deficiencies of de Groot, Boyd and Leahy with respect to the above noted features of amended Claims 1, 25, 31 and 32.

Accordingly, for the above reasons, Applicant respectfully submits that Claims 1, 25, 31 and 32, and claim depending therefrom, are patentable over de Groot, Boyd, Leahy and Kusmaul considered individually or in any proper combination.

¹ See page 3, line 29 of Kusmaul.

Consequently, in light of the above discussion and in view of the present amendment, the present application is believed to be in condition for allowance and an early and favorable action to that effect is respectfully requested.

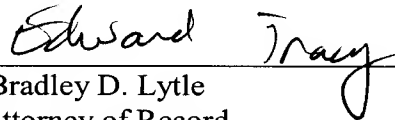
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Respectfully submitted,

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A handwritten signature in cursive script, appearing to read "Bradley D. Lytle", is written over a horizontal line.

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